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Serial No. : 10/724,623
Applicant : Richard A. Hall
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Art Unit : 2121
Examiner : Jennifer L. Norton
Title : **ROTOR SELECTION INTERFACE AND METHOD**
Attorney Docket No. : TFLED-362TUS
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Cincinnati, Ohio 45202

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the rejections of claims in the above-identified application set forth in the Final Office Action dated October 28, 2009. No amendments are being filed with this request, and it is being filed concurrently with a Notice of Appeal. Review is requested for the reasons set forth below.

REMARKS/ ARGUMENTS FOR REVIEW

Claims 1-38 are pending the application and stand rejected under 35 U.S.C. §103(a). For purposes of this request, Applicant focuses on independent claims 1, 15, 25, 29, 30, and 38. Applicant reserves comments on the dependent claims and/or additional arguments if the Appeal proceeds.

Claims 1, 15, 25, and 29 are directed to apparatus for selecting a desired rotor from a set of rotors for use during a centrifuge run in a centrifuge (claims 1, 15, 25), or for selecting a desired option from a set of options for a motorized device (claim 29). Claims 30 and 38 are directed to methods of providing a user interface for selecting a desired rotor from a set of rotors, or a method of selecting an option from a set of options for a centrifuge. Claims 1, 15, 25, 29, 30, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,393,429 to Yagi et al. in view of U.S. Patent No. 6,679,821 to Numata et al., in further view of U.S. Patent No. 6,241,775 to Blatchford.

Applicant respectfully requests that the rejections of claims 1, 15, 25, 29, 30, and 38 be withdrawn because the combination of references applied by the Examiner fail to teach or suggest combination of elements recited in these claims. Specifically, the combination of applied references fails to teach or suggest an add menu for adding a desired rotor if the desired rotor is absent from a home menu, wherein the add menu lists for selection by a user all of the rotors that are compatible for use with a centrifuge device, and wherein the desired rotor in the add menu includes a rotor parameter that is utilized during operation of the centrifuge, as set forth in claims 1, 15, 25, and 30. The

combination of applied references also fails to teach or suggest a second subset of options for configuration of a motorized device, wherein the second subset of options includes all options other than a first subset of options, and moving an option from the second subset of options to the first subset of options, as set forth in claims 29 and 38.

The Examiner admits that the combination of Yagi '429 and Numata '821 does not teach or suggest all elements of the claimed invention. (Final Office Action mailed October 28, 2009, at pp. 4-5.)(See also, Amendment filed June 23, 2009, at pp. 15-16.) Yagi '429 is directed to a file handling device wherein a user must go outside of a file menu 51 using a browse button 82 to search and locate a desired folder/file in a file tree when the desired file is not found in a list of recently accessed files. (June 23 Amendment at pp. 15-16.) The Examiner asserts that Numata '821 teaches a system that includes a "desired rotor having a rotor parameter associated therewith that is utilized during the centrifuge run when the desired rotor is selected." (Final Office Action at p. 5.) This is not correct. Numata '821 only discloses a menu of previously selected rotors (i.e., a "home menu" as set forth in the claims). It is the rotor in the home menu that has an associated rotor parameter. There is no teaching whatsoever in Numata '821 of an "add menu" that lists all of the rotors in the set of rotors compatible for use with a centrifuge device, as admitted by the Examiner. (Final Office Action at p. 5.) Likewise, Numata '821 also does not teach or suggest that the rotors in an add menu have a rotor parameter that is utilized during a centrifuge run and that is transferred to a home menu when the desired rotor is selected. Rather, if a desired rotor is not in the home menu of Numata '821, a user must manually set the operating conditions in the

centrifuge of Numata '821. (See, e.g., Numata '821 at col. 14, lines 1-5.)

In view of the deficiencies of Yagi '429 and Numata '821, the Examiner looks further to Blatchford '775. However, Blatchford '775 fails to cure the deficiencies of Yagi '429 and Numata '821 discussed above. Specifically, Blatchford '775 is directed to a method of identifying possible combinations of components that can be assembled together to make an artificial limb. The method operates in the manner of a decision tree, wherein a user selects a starting component from among a list of components, and a computer program according to the method then returns a listing of components compatible with the starting component for subsequent selection by the user. This continues until a complete artificial limb is specified. Blatchford '775, therefore, does not teach or suggest an add menu that lists, for selection by a user, all rotors in the set of rotors compatible for use in a centrifuge, wherein the desired rotor has a rotor parameter associated with it that is utilized during operation of the centrifuge, and wherein the desired rotor and associated rotor parameter can be added to the home menu from the add menu, as set forth in the claims. In Blatchford '775, while a component may be selected, there is not any parameter associated with the selected component that is added to a home menu for use during a centrifuge run.

Blatchford '775, therefore, has nothing to do with selecting a rotor for use in a centrifuge, and a person of ordinary skill in the art would not be led by the diverse disclosures cited by the Examiner to modify the alleged combination of Yagi '429 and Numata '821 to obtain the claimed invention. Yet, even if Yagi '429 and Numata '821 were combined with Blatchford '775, as alleged by the Examiner, the combination still

does not result in a system or method having an add menu to add a desired rotor, the add menu listing for selection by a user all of the rotors in a set of rotors compatible with a centrifuge device, wherein the desired rotor has a rotor parameter that is used during a centrifuge run. For at least these reasons, Applicant respectfully asserts that the rejections are plainly in error and should be withdrawn.

Conclusion

For at least the reasons discussed above, there is clear error in the rejections because persons of ordinary skill in the art would not be led to combine Yagi '429, Numata '821, and Blatchford '775, as alleged by the Examiner; and even if the references were combined, the resulting combination lacks all features recited in the claims. Applicant therefore respectfully requests withdrawal of the rejections.

Applicant does not believe that any additional fees are due as a result of this communication. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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